

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION)
OPIATE LITIGATION)**

MDL No. 2804

THIS DOCUMENT RELATES TO:)

Case Nos. 1:17-md-2804
1:18-op-45817

Track 8: Cobb County, Georgia)

Judge Dan Aaron Polster

**DECLARATION OF LINDSAY W. BURCKHALTER IN SUPPORT OF PUBLIX SUPER
MARKETS, INC.'S OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56(c)(4), I declare as follows:

1. My name is Lindsay W. Burckhalter, Pharmacy Operations Manager, Publix Super Markets, Inc. I am over 18 years of age. I am of sound mind and based on my personal knowledge, if called as a witness, I could and would competently testify to the statements in this declaration.

2. Publix operates a chain of employee-owned supermarkets in the southeast region of the United States. As of 2024, Publix operates in eight states: Florida, Georgia, Alabama, Tennessee, North Carolina, South Carolina, Virginia, and Kentucky.

3. Inside many of its supermarkets, Publix operates neighborhood pharmacies.

4. Each of Publix's pharmacies is duly licensed with the DEA and the relevant state licensing authorities.

5. From 2006 to present, Publix has operated a number of pharmacies in Cobb County, Georgia.

6. Publix hires qualified pharmacists to staff its pharmacies and requires them to comply with all federal, state, and local laws regarding dispensing pharmaceuticals, including controlled substances.

7. Unlike competitors, Publix's pharmacies are run by pharmacists, from the store level to the very top: All of Publix's key pharmacy leaders are pharmacists who have years of practice, making decisions in light of their training and expertise as healthcare providers and their professional obligations as licensed pharmacists.

8. The individual pharmacies are supervised by pharmacy supervisors who oversee a number of stores and travel to them—these supervisors are licensed pharmacists.

9. Pharmacy supervisors in turn report to pharmacy operations managers (POMs) who oversee geographic regions—POMs are licensed pharmacists.

10. The POMs, in turn, report to pharmacy department leadership, up to and including the Vice President of Pharmacy, and each member of leadership is also a licensed pharmacist.

I hereby declare that the above statement is true to the best of my knowledge and belief and that I understand it is made for use as evidence in court and is subject to the penalty of perjury.

August 7, 2024


Lindsay W. Burckhalter